

1 ANDREW D. HEROLD, ESQ.
Nevada Bar No. 7378
2 aherold@heroldsagerlaw.com
JOSHUA A. ZLOTLOW, ESQ.
3 Nevada Bar No. 11333
4 jzlotlow@heroldsagerlaw.com
HEROLD & SAGER
5 3960 Howard Hughes Parkway, Suite 500
Las Vegas, NV 89169
6 Tel: (702) 990-3624
7 Fax: (702) 990-3835

8 Attorneys for Defendant
9 LEXINGTON INSURANCE COMPANY

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 CENTEX HOMES, a Nevada general
13 partnership,

14 Plaintiff,

15 vs.

16 EVEREST NATIONAL INSURANCE
17 COMPANY, a Delaware corporation;
INTERSTATE FIRE & CASUALTY
18 COMPANY, an Illinois corporation;
LEXINGTON INSURANCE COMPANY, a
19 Delaware corporation; FINANCIAL
PACIFIC INSURANCE COMPANY, a
20 California corporation; HARTFORD
CASUALTY INSURANCE COMPANY, an
21 Indiana corporation,

22 Defendants.
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CASE NO. 2:16-cv-01275-GMN-PAL

**STIPULATION RE BRIEFING ON
LEXINGTON INSURANCE COMPANY'S
MOTION TO DISMISS [FIRST
REQUEST]**

24 Plaintiff CENTEX HOMES ("Centex") and Defendant LEXINGTON INSURANCE
25 COMPANY ("Lexington"), hereby submit the following Stipulation Re Briefing on Lexington's
26 Motion to Dismiss.

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1 WHEREAS, Lexington filed a Motion to Dismiss on October 10, 2016 (ECF Nos. 19 and
2 20) (the "Motion");

3 WHEREAS, the Motion makes various arguments as to why Centex's claims against
4 Lexington should be dismissed relying in part on the language of the Lexington policies at issue;

5 WHEREAS, the Motion did not include copies of the Lexington policies themselves, but
6 rather correspondence between Lexington and Centex in which the parties disputed Centex's rights
7 and Lexington's obligations under the policies based in part of the policy language;

8 WHEREAS, Centex and Lexington previously stipulated that Lexington would supplement
9 the Motion with copies of the insurance policies addressed therein and Centex's opposition would
10 filed and served within 10 calendar days of the filing of Lexington's supplemental papers and
11 Lexington's reply papers would be filed and served within 10 calendar days thereafter.

12 WHEREAS, Lexington filed copies of the policies on November 4, 2016 and Centex filed
13 its opposition on November 14, 2016.

14 WHEREAS, November 24, 2016 is Thanksgiving, counsel's offices are closed on
15 November 25, 2016, and counsel for Lexington will be out of the country at that time.

16 NOW, THEREFORE, Centex and Lexington, by and through their respective counsel of
17 record, hereby stipulate that Lexington shall file and serve its reply by November 28, 2016.

18 DATED: November 17, 2016

PAYNE & FEARS LLP

19 By: /s/ Sarah J. Odia (as authorized 11/17/16)

20 SCOTT S. THOMAS, ESQ.

sst@paynefears.com

21 SARAH J. ODIA, ESQ.

sjo@paynefears.com

22 Attorneys for Plaintiff CENTEX HOMES

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1 DATED: November 17, 2016

HEROLD & SAGER

2 By:



3 ANDREW D. HEROLD, ESQ.

aherold@heroldsagerlaw.com

4 JOSHUA A. ZLOTLOW, ESQ.

jzlotlow@heroldsagerlaw.com

5 Attorneys for Defendant

6 LEXINGTON INSURANCE COMPANY

7 **IT IS SO ORDERED:**

8 DATED: November 27, 2016

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11 UNITED STATES DISTRICT JUDGE
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